

Message Text

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44

ACTION AF-07

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-05 L-02

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FM AMCONSUL DURBAN

TO SECSTATE WASHDC 1839

INFO AMEMBASSY PRETORIA

AMCONSUL JOHANNESBURG

AMCONSUL CAPETOWN

LIMITED OFFICIAL USE DURBAN 0401

E.O. 11652: N/A

TAGS: PINS, SF

SUBJ: COURT FINDS NO POLICE BRUTALITY USED AGAINST SASO/BPC
LEADERS

CAPETOWN FOR EMBASSY

REF: DURBAN 0397, CAPETOWN 0741

SUMMARY: PRETORIA MAGISTRATE DENIED REQUEST BY ATTORNEY FOR
DETAINED SOUTH AFRICAN STUDENTS ORGANIZATION (SASO)/BLACK PEOPLES
CONVENTION (BPC) LEADERS FOR ORDER RESTRAINING POLICE FROM USE
OF ILLEGAL INTERROGATION METHODS. DESPITE REFUSAL, LIKELY
POLICE WILL BE INHIBITED FROM USING VIOLENCE BY WIDE PUBLICITY
ACCORDED CHARGES OF BRUTALITY.

1. PRETORIA MAGISTRATE NOVEMBER 11 REFUSED ISSUE ORDER ENJOINING
SOUTH AFRICAN POLICE FROM MALTREATING INDIVIDUALS HELD UNDER
TERRORISM ACT FOLLOWING ABORTIVE PRO-FRELIMO RALLY. ATTORNEY
FOR SEVERAL DETAINEES HAD PETITIONED COURT FOR ORDER RESTRAIN-
ING POLICE FROM ASSAULTING DETAINEES. ADDITIONALLY, LAWYER
REQUESTED JUDGE OBTAIN STATEMENTS FROM DETAINEES CONCERNING
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CONDITIONS OF THEIR INCARCERATION.

2. COURT REJECTED BOTH ASPECTS OF PETITION, FINDING NO EVIDENCE OF MALTREATMENT AFTER READING 142 PAGES OF AFFIDAVITS FILED BY HOLICE AND SAG OFFICIALS, AND RULING COURT HAD NO AUTHORITY TO OBTAIN STATEMENTS FROM PERSONS HELD UNDER TERRORISM ACT.

3. IN CONVERSATION WITH CONGEN, THREE DURBAN LAWYERS INVOLVED IN CASE DISPLAYED DISAPPOINTMENT AT OUTCOME. THEY NOTED HOWEVER, PUBLICITY SURROUNDING THIS APPLICATION HAD APPARENTLY MOTIVATED SAG TO ALLOW TRANSKEI CABINET MINISTER ZWELIBANZI MABANDLA VISIT HIS SON AND DAUGHTER-IN-LAW LINDELWE, AND BRIDGETTE MABANDLA. THEY ALSO BELIEVED PUBLICITY MIGHT INHIBIT FURTHER USE OF FORCE, AND WAS PROBABLY PARTIALLY RESPONSIBLE FOR UNEXPECTED RELEASE OF MRS. VINO COOPER.

4. COMMENT: ATTORNEYS FOR DETAINEES CONSIDERING APPEAL COURT DECISIONS, BUT UNLIKELY THEY WILL DO SO. COST OF APPEAL EXTREMELY HIGH AND ATTORNEYS MAY BE SATISFIED WITH PUBLICITY ACCORDED THEIR APPLICATION.
HOLMES

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